

March 19, 2020

NOTICE OF PROPOSED RULE

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-102.101

RULE TITLE: Public Information and Inspection of Records

PURPOSE AND EFFECT: To update Form DC1-201 regarding public records exemptions.

SUMMARY: To comply with legislative changes to § 119.071(2)(p), F.S., rulemaking is necessary to amend Form DC1-201 to include language stating that under certain circumstances a photograph, video recording, or audio recording that depicts or records the killing of a law enforcement officer who was acting in accordance with his or her official duties, or that depicts the killing of a victim of mass violence is confidential and exempt from s. 119.07(1), F.S., and s. 24(a), Art. 1 of the State Constitution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the SERC or, if no SERC was required, the information expressly relied upon and described herein: The Department used an itemized checklist to conduct an economic analysis and determine if there would be any adverse impact or regulatory cost associated with this rule that exceeds the stated criteria. Upon review of the proposed rulemaking, the Department determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in s. 120.541(2)(a), F.S.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 944.09 FS

LAW IMPLEMENTED: 119.07, 119.071, 120.53 FS

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Vazquez, Assistant General Counsel, 501 South Calhoun Street, Tallahassee, Florida 32399-2500.

THE FULL TEXT OF THE PROPOSED RULE IS:

33-102.101 Public Information and Inspection of Records.

(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on Form DC1-201, Invoice for Production of Records. Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> <http://www.flrules.org/Gateway/reference.asp?No=Ref-00951>, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is XX/XX 8-12.

Rulemaking Authority 944.09 FS. Law Implemented 119.07, 119.071, 120.53 FS. History—New 10-8-76, Amended 2-24-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, 12-5-05, 4-16-08, 12-25-08, 8-18-09, 2-26-12, 8-12-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth Steely, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mark S. Inch, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2020

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 28, 2019